

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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ROBERT S. BURKS,

Plaintiff,

v.

CENTERPLATE,

Defendant.

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)  
) Civil No. 08-1040 (JNE/JJG)  
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**ORDER ON REPORT AND  
RECOMMENDATION**

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

**IT IS HEREBY ORDERED** that:

1. Plaintiff's application to proceed in forma pauperis, (Doc. Nos. 2 and 6), is **DENIED**; and
2. This action is summarily **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

Dated: July 14, 2008

s/ Joan N. Ericksen

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United States District Judge